

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: JULY 19, 2006

Division: EMPLOYEE SERVICES

Bulk Item: Yes X No

Department: BENEFITS OFFICE

Staff Contact Person: MARIA Z. FERNANDEZ

AGENDA ITEM WORDING: APPROVAL OF A WORKERS' COMPENSATION SETTLEMENT IN THE AMOUNT OF ONE HUNDRED TWENTY FIVE THOUSAND DOLLARS, \$125,000.00 (INCLUSIVE OF ATTORNEYS FEES AND COST) FOR FILE #04111000-GH.

ITEM BACKGROUND:

SEE ATTACHED MEMORANDUM

PREVIOUS RELEVANT BOCC ACTION:

N/A

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

APPROVAL

TOTAL COST: \$125,000.00

BUDGETED: Yes X No

COST TO COUNTY: \$125,000.00

SOURCE OF FUNDS: Primarily Ad Valorem

REVENUE PRODUCING: Yes No X **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty SA 7/10/06 OMB/Purchasing 7/5/06 Risk Management ms

DIVISION DIRECTOR APPROVAL:

Teresa E. Aguiar
Division Director Employee Services

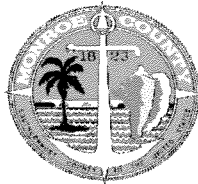
DOCUMENTATION: Included X Not Required

DISPOSITION:

AGENDA ITEM # ES-2



Employee Services Division
Benefits Office
1100 Simonton Street, Room 2-268
Key West, Florida 33040
Phone (305) 292-4448
Facsimile (305) 292-4452



BOARD OF COUNTY COMMISSIONERS

MAYOR Charles "Sonny" McCoy, District 3
Mayor Pro-tem Dixie M. Spehar, District 1
Glen Patton, District 5
George Neugent, District 2
David P. Rice, District 4

MEMORANDUM

To: Tom J. Willi, County Administrator

Thru: Teresa E. Aguiar, Employee Services Division Director

From: Maria Z. Fernandez-Gonzalez, Sr. Administrator, Benefits

Date: June 27, 2006

Re: Our File #04111000-GH

Handwritten signature: Maria Z. Fernandez-Gonzalez

Approval is being requested for the settlement of a workers' compensation claim on a former MCSO employee, heart injury occurred 09/21/2004. This case involves the Section 112.18 heart disease presumption. The claimant is a protected class member and potentially entitled to the benefit of the presumption. There were three additional elements for application of the presumption to satisfy and these were met by the claimant. Accordingly, the Section 112.18 presumption of compensability applies to the claimant's heart condition and we can only rebut the presumption if we can show by clear and convincing evidence the claimant's heart condition was the result of a non-work related exposure or event.

In our settlement analysis it was estimated that our medical exposure could be approximately in the range of \$156,000. Due to the claimant's high impairment rating our impairment benefit exposure alone is somewhere between \$58,000 and \$88,000. The present value of PTD (permanent total disability) exposure would be somewhere between \$330,000 and \$370,000. In addition to the aforementioned exposures, we also faced exposure to death benefits. If the claimant were to pass away from a heart condition within five years, we would be exposed to death benefits of approximately \$157,500.

The claimant's initial demand was \$500,000. The claimant has accepted our proposed settlement of \$125,000 inclusive of all fees and costs contingent upon the Monroe County Board of County Commissioners' approval. Our workers' compensation attorney, county attorney's office and I feel this settlement is in the best interest of Monroe County and we look forward to receiving the Board's approval on our proposed settlement.

Please do not hesitate to contact me with any questions. Thank you.